

REMARKS

In the Office action, claims 28, 31, 38, 42, 43, 48 and 49 were rejected as anticipated by Lehmann; claims 1, 3, 8-10, 14, 28, 31-33, 35, 36, 50 and 51 were rejected as being unpatentable over Shaneyfelt in view of Lehmann or Prinzing; claims 2, 30 and 34 were rejected as being unpatentable over Shaneyfelt in view of Lehmann or Prinzing and Diaz; claims 11 and 12 were rejected as unpatentable over Shaneyfelt in view of Lehmann or Prinzing and Fischli; claims 39 and 51 were rejected as being unpatentable over Shaneyfelt in view of Lehmann or Prinzing and Ribnitz; claims 1, 4, 28, 48, 50 and 65 were provisionally rejected for non-statutory obviousness double patenting; and claims 5-7, 13, 40 and 41 were indicated as being allowable in independent form.

The Examiner's attention is directed to the fact that the related pending application 10/476,602 has now issued as Patent No. 7,014,670 B2.

Applicants respectfully submit that the pending claims are patentable over the art of record, and that the rejections are based on what appear to be misunderstandings of what the applied references teach and therefore do not make a prima facie case that the claims are unpatentable.

Independent claim 28 recites conveying powder from the powder outlet of a cyclone through a conduit under negative pressure, and independent claim 48 recites conveying powder from a cyclone outlet by applying a vacuum to a conduit connected to the cyclone powder outlet. Lehmann does not use a cyclone to extract powder from the booth--powder is extracted by a band 23. Furthermore, contrary to the statement in the Office action, the outlet 55 is not under negative pressure. If it were under negative pressure, powder would be sucked up out of the container 19. The impeller 52 does not produce negative pressure in the passage 61--an impeller imparts mechanical movement to the powder to push it toward the sieve 54. The powder simply falls into the container 19. The section noted in the Office action (col. 5, lines 28-51) does not support a conclusion that the outlet 55 is under negative pressure but quite the opposite. At line 39 it is stated that the impeller acts as a sluice to maintain the negative pressure *in the separator*. There is nothing to suggest that there is negative pressure down stream of the impeller--if anything, one of its functions is to isolate the negative pressure in the separator from the system downstream of the impeller. In any event, if the impeller did in fact produce a negative pressure in the passage 61 it

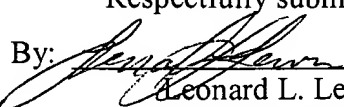
would be at the wrong end and powder would not move towards the sieve and outlet 55. Accordingly, it is respectfully submitted that Lehmann cannot anticipate the claims cited in the Office action and favorable reconsideration is requested.

All of the obviousness rejections are predicated on Shaneyfelt in view of either Lehmann or Prinzing. The Office action correctly notes that Shaneyfelt fails to show or suggest a conduit under negative pressure for transferring powder. All of the independent claims relate to this feature. As already noted above, Lehmann does not show or suggest a conduit under negative pressure to transfer powder from a cyclone outlet. Likewise, the Prinzing reference does not show such an arrangement. The Office action states that Prinzing teaches a conduit 61 under negative pressure for transferring powder from a cyclone to a second collection device. Fig. 1 of Prinzing clearly shows that the cyclone outlet 58 is connected to the channel 61 through a sluice 60. There is no teaching or suggestion that a sluice provides negative pressure to the channel 61--if it did it would be at the wrong end and would draw powder away from the container 62. The statement in the patent that the sluice keeps the negative pressure prevailing in the separator 51 intact does not mean that it provides negative pressure to the channel 61. Quite the opposite, it is acting to isolate the negative pressure of the cyclone from the channel 61. If it did not so function, powder could not be removed from the cyclone 57 and on down the channel 61 to the container. It is respectfully submitted that the supposed combination of references contains no suggestion or motivation to provide a conduit under negative pressure to transfer powder from an outlet of a cyclone, and therefore a prima facie case of obviousness has not been made. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the rejections of the dependent claims as these claims clearly recite additional patentable subject matter, however, further comment is deferred pending reconsideration of the rejection of the independent claims. A terminal disclaimer is filed herewith.

It is respectfully submitted that the claims are allowable over the art of record and favorable reconsideration is respectfully requested.

Date: March 27, 2006

Respectfully submitted,
By: 
Leonard L. Lewis Reg. No 31,176
(216) 622-8683